

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

AUG 04 2004

ATTORNEY DOCKET NO.: 057309-5004-02US

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**THERAPEUTIC AND DIAGNOSTIC AGENTS FOR THE
TREATMENT OF MICROBIAL INFECTIONS**

The specification of which:

is attached hereto; or

was filed as PCT international application Number _____ on _____ and was amended under PCT Article 19 on _____ (if applicable). The U.S. National Stage application Serial No. _____ entered National Stage on _____ and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office information which is material to the patentability of claims presented in this application in accordance with Title 37, Code of Federal Regulations Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate or Section 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign applications(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

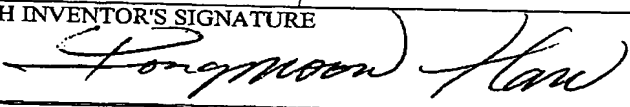
PRIOR FOREIGN APPLICATION(S):

| COUNTRY (if PCT, indicate PCT) | APPLICATION NUMBER | DATE OF FILING (day, month, year) | PRIORITY CLAIMED |
|-----------------------------------|--------------------|--------------------------------------|--|
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| | | | | |
|---|------------------|---|-------------------------------------|-------------------------------------|
| Combined Declaration for Patent Application and Power of Attorney - (Continued) ATTORNEY DOCKET NO.: 057309-5004-02US | | | | |
| I hereby claim the benefits under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below. | | | | |
| U.S. PROVISIONAL APPLICATIONS | | | | |
| U.S. PROVISIONAL APPLICATION NO. 60/007,477 | | U.S. FILING DATE: 22 November 1995 | | |
| I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or Section 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to the patentability of claims presented in this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application: | | | | |
| PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT: | | | | |
| U.S. OR PCT INTERNATIONAL APPLICATIONS | | STATUS (Check One) | | |
| APPLICATION NO. | FILING DATE | PATENTED | PENDING | ABANDONED |
| 09/068,935 | 23 November 1998 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PCT/US96/18796 | 21 November 1996 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 08/483,558 | 07 June 1995 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 08/247,972 | 23 May 1994 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| POWER OF ATTORNEY: As a named inventor, I hereby appoint the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number. Customer Number: 09629 | | | | |
| Direct Telephone Calls To: | | Elizabeth C. Weimar 202-739-5812 | | |

| Combined Declaration for Patent Application and Power of Attorney - (Continued) | | |
|---|--|---|
| ATTORNEY DOCKET NO.: 057309-5004-02US | | |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. | | |
| FULL NAME OF SOLE OR FIRST INVENTOR | Robert BARGATZE | |
| RESIDENCE & CITIZENSHIP | 1302 Wildflower Way Bozeman, Montana 59715 | COUNTRY OF CITIZENSHIP United States |
| POST OFFICE ADDRESS | 1302 Wildflower Way Bozeman, Montana 59715 | |
| FIRST OR SOLE INVENTOR'S SIGNATURE | DATE 2/13/04 | |
| FULL NAME OF SECOND INVENTOR | John JUTILA | |
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| SECOND INVENTOR'S SIGNATURE | DATE 4/12/04 | |
| FULL NAME OF THIRD INVENTOR | Jim CUTLER | |
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| THIRD INVENTOR'S SIGNATURE | DATE 2/13/04 | |

Listing of Inventors Continued on attached page(s): ☒ Yes ☐ No

| Combined Declaration for Patent Application and Power of Attorney - (Continued) | | |
|--|---|--|
| ATTORNEY DOCKET NO.: 057309-5004-02US | | |
| FULL NAME OF FOURTH INVENTOR | Yongmoon HAN | |
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| FOURTH INVENTOR'S SIGNATURE  | | DATE Feb. 16, 2004 |
| FULL NAME OF FIFTH INVENTOR | Barry PYLE | |
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| POST OFFICE ADDRESS | 4985 Foster Lane Bozeman, Montana 59715 | |
| FIFTH INVENTOR'S SIGNATURE | | DATE |

Listing of Inventors Continued on attached page(s): ☐ Yes ☒ No

| Combined Declaration for Patent Application and Power of Attorney - (Continued) | | |
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| POST OFFICE ADDRESS | 4985 Foster Lane Bozeman, Montana 59715 <i>BHP</i> Belgrade 59714 | |
| FIFTH INVENTOR'S SIGNATURE <i>B. A. Pyle</i> | | DATE 2/20/04 |

Listing of Inventors Continued on attached page(s): ☐ Yes ☒ No